1929 116

Department of Land Revenue + Sett

OFFICE Board of Revenue

STATION Madras

Mis No. 1470

F 1957/29

Dated 27-5-29

To whom sent	Date	Initial
	Given for copying	
	Copied 2.28/5.	
	Examined	
	Signed	
	Given for despatch	
	Despatched	
	Indexed	
	To be destroyed on*	

(SUBJECT.)

Advances - Loans - (South Kanara
Mangalore Tk - Jeppinamogar vill
Addine Beari and two others - Appl
Write off - Sanctioned.

* Not to be filled in in the case of permanent records

7957

Ref. B.3-3119-28.

South Kanara Collector's Office,
Mangalore, 20th March 1929.

From

G.W. Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue and Settlement,
M à d r a s.

Sir,

Advances - Loans - Mangalore Taluk - Jeppinamogar village - Arrears - Collection - Report submitted.

15-2(H) Board's Reference Misc. 622 L.R. & S., dated 28th February 1929.

*****

The amount due to Government when the property was sold was Rs.608-2-4. Deducting Rs.55/- realised by the sale, the arrears amount to Rs.553-2-4, Rs.500/- on account of principal and Rs.53-2-4 as interest. I detail below my proposals for the realisation of the arrears still due to Government.

2. The Revenue Inspector who submitted a valuation of the property estimated its value at Rs.1045/- stating that the house and compound may bring in an annual rent of Rs.24 and Rs.35 respectively. When called on to explain why a portion of the loss should not be recovered from him, the Revenue Inspector states that the estimate is a modest one and that he fixed the value of Rs.400 for the house and Rs.720/- for land, less Rs.75/- for depreciation capitalising the rentals at a rate usually adopted in valuing lands, houses etc. in Probate cases. Further he ivites attention to Rule XI c(ii) of the Revised Loans Rules and disclaims all responsibility.

KG Taluk Manual

JJH

15 329

I am satisfied after a personal inspection of the ---- property that the Revenue Inspector's valuation is far too high, specially that of the house which is not worth more --- than Rs.25/-. Besides this, the Revenue Inspector's valuation related to a sub-division S.No.86/18 which did not exist. If more care had been exercised by the Revenue Inspector, the error in the number of the sub-division would have been discovered and might have led to a more careful check of the exact position of the house. I therefore consider that the Revenue Inspector is partially liable for the loss.

3. The Tahsildar Mr. S. Babu Rao explains that he took charge of the Taluk on 1.10.1925, when the enquiry had been completed by the Revenue Inspector and that the case was awaiting disposal for want of funds. He further says that the amount of loan applied for being Rs.500/-, it was not obligatory on him under the rules to check the Revenue Inspector's valuation. In this connection he invites attention to Rule XIV of the Revised Loans Rules. He adds that the prices obtained at the previous sales would show that the security was proper and that the low price obtained at the final sale was due to the undue influence of the mulgar Mr. J.P. Sequeira, as is shown by the fact that he or his clerk were the highest bidders at the sales. He therefore requests that he may not be held liable for the loss.

I consider, however, that as the Tahsildar who sanctioned the loan in this case Mr. S. Babu Rao is also partially responsible for the loss as he should have satisfied himself before sanctioning the loan that the security was adequate.

4. I have already reported with reasons in my letter Ref. B.3-3119-28 dated 9.2.1929 that the house and garden might be valued at Rs.287/- or Rs.300/- in round numbers.

5. Taking the appropriate value of the house and garden at Rs.300/- as stated above, I request the Board may be pleased to sanction the writing off of Rs.303-2-4 from the

loss. Out of the balance, I propose to recover Rs.200/- from the Tahsildar and Rs.50/- from the Revenue Inspector in six equal monthly instalments.unless they prefer to pay the amount in a lump sum. Copies of their explanations dated 16.11.1928 (Mr. S. Babu Rao, Tahsildar)and 30.11.1928 (Mr. B.J.S. Sequeira, Revenue Inspector) are submitted for the Board's perusal.

Your obedient servant,

For Collector.

M.S.R./22.3.29.

Mangalore,

16th November, 1928.

To

The Collector of

South Kanara.

Sir,

With reference to the extract of para 2 of your Proceedings Ref.B3-3119-28 dated 30th October 1928, (received by me on 1-11-28) directing me to show cause why three-fourths of the loss of Rs 553-2-4 sustained by Government in L.O.No.48/35 on the file of the Tahsildar of Mangalore Taluk should not be recovered from me for not demanding adequate security from the borrowers, I respectfully beg to submit as follows:-

2. The land (S.No.86/13 of Jeppinamogar village) furnished as security by the borrowers was valued at Rs 1045-0-0 by the Revenue Inspector B.J.S.Sequeira, who held the enquiry into the loan case. As this valuation was more than double the amount of the loan applied for, I could not entertain any doubt as to the adequacy of the security when I sanctioned the loan, especially when he had based his valuation on the annual rental of the house and the garden. The rules do not, I submit, make it imperative that in cases where the loan applied for does not exceed Rs 500/- the officer granting the loan should personally value the land offered as security. It will be seen from a perusal of the records that in passing the loan order, I exercised due care and attention, and I submit that it would be really hard and unjust to make me responsible for a loss which has occurred owing to circumstances beyond my control, as the sequel would show.

3. The loan case in question was ripe for disposal before I took charge of the Mangalore Taluk office on 1st October 1925. The case was put up before me for orders on 13-10-25 and I passed orders sanctioning the loan on 15-10-25. In fact, the loan would have been sanctioned by my predecessor M.R.Ry. M.Ganesh Rao Avl., if there had been a required allotment on 29-9-25, as

would be evident from the clerk's office note and Mr. Ganesh Rao's order thereon dated 29-9-25 on the back of the Revenue Inspector's report among the records. This fact also led me to sanction the loan.

4. In the Collector's order now under reference, it is stated that it is on record that I inspected the land before disbursing the loan. I humbly submit that it was not so. I am led to think that the Collector has inferred that I inspected the land merely on the strength of the office note dated 13-10-25, in which the Taluk Loan Clerk has ~~held~~ said that 'The Tahsildar has inspected the proposed work.' What happened was as already explained by me in para 2 of my report N.Dis.C.No.2309-Sup.27 dated 21-1-28 to the Revenue Divisional Officer, that when I went to the village to inspect incomplete loan works which had already been sanctioned by my predecessors, I happened to pass by the proposed loan work in this case (L.O.48/35), and at the request of the borrowers, saw the portion of the garden proposed to be improved with the aid of the loan. I did not then consider it necessary to enquire into the adequacy of the security as my predecessor had already completed the necessary enquiry and had only deferred payment of the loan for want of allotment.

5. The land given as security is a garden containing 25 yielding young cocoanut trees, 12 cocoanut plants (many of which may probably yield in a couple of years), two yielding jack trees, two palmyrah and two Baini trees, a well and a house. As the house which is a thatched one, was subsequently allowed by the borrowers to fall into disrepairs, and the garden trees left uncared for, the garden in question, like all other gardens left to their fate, has deteriorated in value to some extent.

6. It is a mistake to think that the house and its site do not appertain to S.No. 86/13. I tried my best to relay S.No. 86/13 on the ground when ordered by the Revenue Divisional Officer on 8-12-1927, but could not do so for want of data in

the F.M.Book which does not contain G lines and offsets to enable us to fix the sub-division's points of this sub-divisions. The Inspecting Tahsildar, in his report dated 6-3-1928 no doubt says that the measurements recorded for S.Nos 86/8 and 86/13 can be relaid on the ground without much correction. I am at a loss to know how this is possible without locating, in the first instance, the terminal points of the sub-divisions, which process is the first requisite for an accurate survey. I can only say that unless the whole field is resurveyed with fresh G lines, no surveyor would be able to pegmark the terminal points of the sub-divisions correctly with the help of the F measurements now available. The house, according to Bhusthithi, appertains to S.No. 86/13 i.e. the borrower's plot. It is therefore quite evident that there is a clear survey mistake with regard to this sub-division. What was required under the circumstances was to make a resurvey of the entire field in order to plot S.No.86/13 correctly according to Bhusthithi.

7. As regards the auction sale of the plot in question, I beg to submit that the highest bid secured at the first effective sale of the property held by the Rev.Inspector at the locality was Rs 154/-. As this bid was very low, I held the resale myself on the spot and the property fetched Rs 315/-. Even this resale was attended by very few bidders and did not fetch enough to cover the loan amount. The plot wasagain resold by me under the orders of the Rev.Divisional Officer and was purchased by Mr. John P. Sequeira for Rs 250/-. Although the property was gradually deteriorating, the price fetched at this resale was not adequate. None would dare to bid against Mr. Sequeira on account of his vast influence. I therefore recommendedthe confirmation of the sale for Rs 250/- in my report dated 30-11-27. If the sale had been confirmed according to my recommendation, the loss to Government would have been reduced by more than Rs 200/-.

8. The bid of Rs 55/- now fetched at the last resale

of the land held by M.R.Ry. M.Ganesh Rao, Avl., on 1-9-28 is very low and quite inadeauate. The papers show that the sale was held at the Taluk office and not on the spot or in the village as required by the Board Standing Orders; and hence intending bidders had no idea of the land offered for sale and its surroundings, which advantage, the only bidder who is the Mulgar of the land, had. On account of this inherent defect in the sale, it is a question whether it can be confirmed both in the interest of Government and of the defaulters. The plot which contains a number of yielding cocoanut, jack, etc., trees, even in its present condition would have fetched at least Rs 250/- if intending bidders had come forward and had a look at it. Nevertheless such a low bid as Rs 55/- was recommended to be accepted when the higher bids fetched at previous sales were considered inadequate. I also understand that after the last resale of 1-9-28 the borrowers submitted a petition to the Collector offering to pay Rs 100/- out of the loan amount due and requesting that they may be given 6 months time to pay the balance in instalments. This clearly shows that the price of Rs 55/- is quite out of all proportion to the real value of the property. If the petitioners' prayer had been granted under the peculiar circumstances of the case (with reference to the proviso to rule 12 of the Loan rules at page 65 of the Takkavi Manual), the loan amount in arrears would have been considerably reduced in addition to the property being also available to be proceeded against for recovery of the balance.

9. The sale list of the last resale of 1-9-28 shows that the only bidder present at the sale was Mr. John P.Sequeira who is the Mulgar of the property. He is interested in securing the property for himself for as low a price as possible. At the first sale held for Rs 154/- it was his clerk P.Sadashiva Rao who bid up to Rs 153/-. At the resale-

held by me for Rs.315/-, this very Sadashiva Rao was the highes bidder. At the next effective resale for Rs.250/-, the highest bidder was Mr. Sequeira himself. At the last resale held for Rs.55/- Mr. Sequeira was the only bidder. It is therefore a matter for your kind consideration whether it is not due to Mr. John P. Sequeira's great influence, not only as a big pattadar, but also as the Official Receiver to Government, and his unceasing effort to knock off the plot for himself, that the bids have come down at successive resales from ------ Rs.315/- to Rs.55/-. As represented above, the garden is worth very much more than what has been offered for it as a local inspection of it by the Collector would show; and if there is no influence of any interested parties at the sales, it is likely to fetch almost, if not the entire unpaid balance due to Government.

10. As regards the question of responsibility for the loss referred to in the Collector's order, I may be permitted to lay the following facts directly bearing on it for the kind consideration of the Collector:-

(1) The loan application was received in the Taluk Office in August 1925 during the time of my predecessor M.R.Ry. M. Ganesh Rao, Avl. The enquiry into the case was completed and the final report of the Revenue Inspector valuing the plot offered as security at Rs.1045/- on the basis of an estimated annual rental of Rs.59/- was also received on 1st September 1925 during my predecessor's time.

(2) The papers connected with the loan were handled in the Taluk Office by the most experienced clerk who is well conversant with all the details of loan work and were put up by him after scrutiny before my predecessor on 26th September 1925. My predecessor after perusing the papers and presumably accepting the Revenue Inspector's valuation recorded his order on 29th September 1925 directing the clerk to await the additional allotment applied for, for sanctioning the loan.

(3) Under rule XIV of the loan rules, the Tahsildar is not required to check the Revenue Inspector's valuation in the case of loans not exceeding --- Rs.500/- as in the present case..

(4) Relying on the above facts I had no reason to doubt the correctness of the Revenue Inspector's valuation. I passed the loan order on 15th October 1925 on which date the papers were finally submitted to me (I took charge on 1st October 1925), as the rules required prompt disposal of loan applications and as the papers connected with the case in question were already lying in the office for over 1 month then. The question of inadequacy of the security did not and could not, I submit, arise at the time of sanctioning the loan, but it subsequently arose owing to causes beyond my control, namely, those detailed in paras 5 and 9 supra.

(5) Before passing the loan order I did not accept the recommendations of the Revenue Inspector and the Loan clerk as regards the rate of interest which they proposed at the concessional rate of 4% applicable to flood affected areas instead of at 7½% in ordinary cases like the present one. This itself will show the care I exercised before passing the loan order.

The above facts will, I humbly submit, convince the Collector that I am not responsible for not demanding additional security, because, the Revenue Inspector's valuation was not doubted by my predecessor.

11. In conclusion I pray that I may not be held responsible for any loss in this case and that with a view to obviate loss to Government a fresh resale of the property free of encumbrances may be ordered to be held on the spot by the Tahsildar himself.

12. The records of L.O.48/35 and the sale records containing 206 pages received with your order under reference are resubmitted herewith.

I beg to remain,
Sir,
Your most obedient servant.
Sd. S. Babu Rao.
D. L. O

22-3-26

10

Mangalore,

30th November 1928.

To

The Collector of

South Kanara.

Sir,

With reference to your order Ref.B3-3119/28, dated 30th October 1928, directing me to show cause why 1/4 of the loss sustained by Government, in the sale of the property offered as security in L.O.48/35 of Mangalore Taluk should not be recovered from me , I beg to submit as follows:-

In the Loan Application relating to L.O.48/35 of Mangalore Taluk, I have estimated the property offered as security at ----- Rs.1045/-, subject to a prior encumbrance of Rs.50/-. I submit that this estimate is a modest one and was arrived at by me by taking the monthly rental of the house at Rs.2/- and garden at Rs.3/-. This rate is a very modest one and the property may fetch it even today. Besides, I have furnished the proper data for the estimate as may be seen from the records of the case. The particulars as to how I arrived at the above estimate of Rs.1045/- are given below:-

Value of the house capitalized at 6%	- $\frac{2 \times 12 \times 100}{6}$	Rs.400/-
Value of the land capitalized at 5%	- $\frac{3 \times 12 \times 100}{5}$	Rs.720/-
	Total:	" 1120/-
Deduct Depreciation of the house etc. etc.		75/-
	Net Value :	" 1045/-

This is the rate generally adopted in valuing lands and houses etc. concerned in Probate and Letters of Administration cases. This being the case, it was open to my Superior Officers to adopt, modify or reverse my estimate Vide Rule XI (c) (11) of the Revised Rules printed at page 63 of the Takkavi Manual. On the other hand, I submit that the sanctioning Officer, was satisfied of the adequacy of my valuation after personal inspection.

Under these circumstances, I submit that I may not be held responsible for any loss accrued to Government, as my

valuation was not excessive.

I beg to remain,

Sir,

Your most, obedient servant,

(Sd) B.J.S. Sequeira,
Revenue Inspector, Venur.

Od. 22-2-29.

****

Subject.— 17

R. F. XXII-A-19.—26,004 - 31-1-29 (6).

FOR MEMBER.

AS (Sec)

READ AGAIN B. P. No. _____, dated _____ 192 .

" " " _____ : " _____ 192 .

READ ALSO :—

Register No. _____, From the _____, No. _____, dated _____ 192 .

" " _____, " " _____, " _____, " _____ 192 .

" " _____, " " _____, " _____, " _____ 192 .

RESOLUTION. Regn F 1957/29-1 No. _____, dated 27-3-1929

Advances. Loans - S. Kamesa - Mangalore Tk - Jeppina mogar village - arrears - write off - Coll's letter Ref B-3-3119/28 dated 20.3.29

M.-37.

The coll is requested to resubmit the records returned with DO no 622 dt 28.2.29

h.s of (H).

JJG/RM 4.4.29

JJH 26-3-29 26-3-29 27/3/29

To Mr Coll of S. Kamesa.

Remind on 22-4-29

JJH 26.3.29

DESPATCHED 2-APR 1929

JJH 2/4/29

13

Ref.B3-3119-28. South Kanara Collector's office,

Mangalore,. 12th April 1929.

2323

From

G. W. Wells, Esquire, M.A., I.C.S.,

Collector of South Kanara.

BOARD OF REVENUE * LAND REV. & SETTLEMENT * 15 APR 1929

To

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s.

Sir,

Advances - Loans - Mangalore Taluk - Jeppinamogar village Arrears - write off.

****

Board's Reference No.F.1957/29-1, dated 27th March 1929.

****

The records noted below are submitted as desired.

JJ4

15 6 29

4

1. Taluk L.O. file 48/35.

2. File of sale papers.

Your obedient servant,

For Collector.

mon
12.4.29.

M.D'S.12/4.

R. F. XXII-A-19.—26,004—31-1-29 (6).

Subject.— 15

Advances' Loans. S. Kanara-Mangalore Th - Jeppinamogaru village - arrears - Recovery.

FOR MEMBER.

AS (Secl) thro' Dist.

READ AGAIN B. P. No. _____, dated _____ 192 .

" " " _____ ; " _____ 192 .

READ ALSO :—

Register No. _____, From the _____, No. ~~7957~~ H 134, dated _____ 192 &

" " _____, " " _____, " _____, " _____ 192 .

" " _____, " " _____, " _____, " _____ 192 .

Revn (Confdl) F 1957/29-2

RESOLUTION. No. _____, dated 30-4- 1929

The Collr is requested to submit formal proposal for writing off the arrears as irrecoverable, explaining clearly the steps taken for the recovery of the loan. It should also be stated whether there are no other movable or immovable properties of the defaulter which can be proceeded against.

2. With reference to his proposal to recover a portion of the loss from the

~~Dotte~~
JH-4
30/7/29

16

Tahsr of the Rev Insp, the
Coll[2] is informed that
Govt have recently held
that in such cases
disciplinary action should
be preferred to ~~money~~
of money from the person responsible.
recovery, & he is accordingly
requested to frame regular
charges against the two
officers & report the action
taken against them finally.

FO) 30/4/29

Ltr
30.4.29
JJH
30.4.29

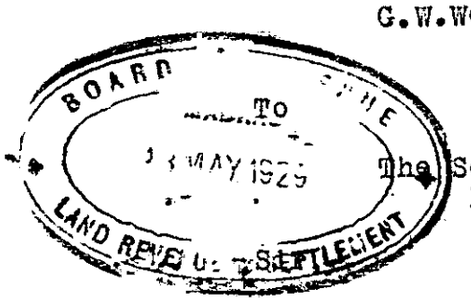
DESPATCHED
1 MAY 1929

The coll[2] of S. Kanara
with (1) Tahsh Lr No 48/35-
(2) File of Sale papers.

Ref.B.3-3119-28. South Kanara Collector's Office,
Mangalore, 10th May 1929.

From

G.W.Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.



To

The Secretary to the Board,
Land Revenue and Settlement, M a d r a s.

Advances - Loans - South Kanara - Mangalore taluk - Jeppinamogar - Arrears-write off - Recommended.

Board's Reference (Confidential) F.1957-29-2 dated 30-4-29.

The Tahsildar, Mangalore, sanctioned a loan of Rs.500/- to Iddine Beary and two others jointly in L.O. 48/35 dated -- 23-3-26 under the Land Improvement Loans Act for purposes of rebuilding the rivetment of their mulgeni holding S.No.86/13 of Jeppinamogar village destroyed by floods and filling it up with mud and sand. The security for the lands consisted of the borrower's mulgeni right in the subdivision and improvements thereon.

2. The borrowers failed to complete the work. The --- Tahsildar, therefore, ordered the summary recovery of the entire amount advanced; but it was not repaid.

3. For recovery of the amount due to Government, the borrowers' interest in the mulgeni holding mortgaged to Government with the improvements thereon was notified for sale. There were in all six sales as detailed below:-

Date of sale.	By whom conducted.	Result.
11-3-27	Revenue Inspector, Mangalore.	Rs. 154/-
27-4-27	Tahsildar, Mangalore.	315/-
16-7-27 to 31-8-27	do.	No bids.
29-10-27	do.	250/-
1--9-28	do.	55/-

The highest bid in the second sale was, no doubt, fairly good; but the Tahsildar, who held the sale, recommended a resale

which was sanctioned by the Revenue Divisional Officer. After the fifth sale, the Tahsildar recommended its confirmation, as in his opinion there was no likelihood of securing a higher bid.

4. The fifth sale was not confirmed for two reasons:- (a) that the sale was subject to a previous encumbrance of Rs.50/-. This was irregular as the prior encumbrance was extinguished under the Land Improvement Loans Act and (b) that the site of the borrowers' house was included in the sale notice. This was wrong as the site formed part of S.No.86/8 not mortgaged to Government. Mr. C.G.Herbert, then in charge of the District, cancelled the sale for the above reasons and directed a fresh sale, free of encumbrance and excluding the site of the house.

5. The last sale was held in the Taluk Office, Mangalore, by the Tahsildar and obtained only Rs. 55/- offered by the mulgar Mr. J.P.Sequeira, in spite of the wide publicity given to the sale in the five neighbouring villages and to a few capitalists. The Tahsildar who held the last sale reported that there was no prospect of obtaining higher bids and the Revenue Divisional Officer also was of the same opinion. I therefore confirmed the sale.

6. This transaction has thus resulted in a loss of ----- Rs. 553-3-4 to Government - Rs. 500/- on account of principal and Rs. 53-3-4 on account of interest. Two Tahsildars have already stated that the borrowers have no property moveable or immoveable to be proceeded against for recovery of the arrears. I therefore request that sanction may be accorded for writing off Rs. 553-3-4 as irrecoverable.

Your obedient servant,

for Collector.

11.5.24

R. F. XXII-A-19.—26,004 31-1-29 (6).

Subject.— arrears. Loans (South Kanara) Mangalore taluk Jeppinamogar village — Addl. Bearl and two others

FOR MEMBER.

READ AGAIN B. P. No. _____, dated _____ 192 Arrears - Write off - orders passed Sometimes.

_____, „ _____ 192

READ ALSO :—

Register No. _____. From the A.G. 27. 2951/29-A, No. to A.G. & Ltr call, dated _____ 192

pp 17-10 Cf

„ „ _____, „ _____, „ _____ 192 .

„ „ _____, „ _____, „ _____ 192 .

RESOLUTION. Mis No. 1690, dated 27-8- 1929

In the circumstances reported by the Collr., the Board sanctions the writing off as irrecoverable of a sum of Rs 500 being the amount of loan granted in 1926 under the L. D. L Act to Addina Bearl and two others of Jeppinamogar village, Mangalore taluk. ~~South Kanara dt.~~

2/. The report called for in para 2 of Board's

on the name of the payable on the road call.

Issued 27 8 29

pp 3 note file

Addl Dy Sec to Govt

10

Refer conf No 7 1957/29-2
of 30-4-29 -- is awaited.

KB
5.5.29
KG
25529

Mdls 4 Ub 29

To
Note Call
The Collr of South Kanara
The Acct. General
Para 1 only

21

Advances- Loans- South Kanara- Mangalore taluk- Jeppinamogar village- Arrears-Recovery.

--

From the Collr. of South Kanara.

F 1957 and 2323.

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To A.S.Sett.

Please see para 2 of B.P.No.His. 622 dated 28-2-29 and the report of the Collector of South Kanara at pages 1-3 c.f.

2. The Collr. states that after deducting the sum of Rs. 55 realised by the sale, the arrears amount to Rs. 553-2-4 (Rs. 500 on account of principal and Rs. 53-2-4 as interest). He called upon Mr.S. Babu Rao, the Tahsr. who sanctioned the loan, and B.J.S. Sequeira, the Revenue Inspr. who enquired into the loan application, to show cause why 3/4th of the arrears shd. not be recovered from the former and 1/4th from the latter. Their explanations will be found at pages 4-11 c.f.

3. The Revenue Inspr. valued the security for the loan at Rs. 1045. The data on which he based his valuation are given at p.10 c.f. The remarks of the Collr. on the Revenue Inspector's explanation are contained in para 2 of his letter,-pp. 1-2 c.f. The Revenue Inspector's valuation of the security lands was made by capitalising the amount of rent realised on the lands and was not based on the market value of similar lands in the neighbourhood, as required by note 1(ii) to Rule XI of the Revised Loan Rules. Further, the Revenue Inspr. reported that the land offered as security was S.No. 86/18 while, as a matter of fact, there was no such sub division. The correct No. was S.No. 86/13. The incorrect description of the land was the cause of much

confusion and it was also found that the house which had been treated as part of the security land (S.No.86/3) at the time of enquiry into the loan application was really outside its limits. The Collector therefore considers that the Revenue Inspr.is partially liable for the loss.

4. The explanation of the Tahsildar who sanctioned the loan is at pages 4-9 c.f. and the remarks of the Collr. thereon are contained in para 3 of his letter-page 2 c.f. The Tahsr. explains that under Rule XIV of the Revised Loan Rules it was not obligatory on him to check the Revenue Inspector's valuation, that the prices obtained at the previous sales would show that the security was proper and that the low price obtained at the final sale was due to undue influence of the Mulgar. All that Rule XIV of the Revised Loan Rules lays down is that the local enquiry shd. be done by the Revenue Inspr. or higher officer and that when the amount applied for exceeds Rs. 500, the local enquiry shd. be held by an officer not lower in rank than a Dy.Tahsildar. It is however clearly laid down in note 1(ii) to Rule XI of the Revised Loan Rules that officers empowered to grant loans shd. be guided by the local circumstances of each case and guard against the real danger of over-valuation and that the main responsibility for such over-valuation lies more on the officer sanctioning the loan than on the subordinate who reports thereon. There is nothing on ~~the~~ record to show that the Tahsildar ever took steps to satisfy himself as to the adequacy of the security. The Tahsr. also explains that when he took charge of the taluk on 1-10-1925, the enquiry had already been completed by the Revenue Inspr. and that the case was awaiting disposal for want of funds. From para 10 of his explanation, it is seen that he did not accept the recommendation of the Revenue Inspector as regards the rate of interest. The Tahsr. sanctioned

¶ 66 Tahsildar's memo

¶ 2 Y

¶ 63 Tahsildar's memo

¶ 2, 8-9 Y

¶ 9 Y.

The loan at
n the ordinary rate of interest, viz. 7½ % instead of
at the concessional rate of 4 % recommended by the Rev. Inspr. This fact proves that the Tahsr. did apply his mind to the case but that he was not careful to see whether the valuation of the security land adopted by the Revenue Inspector was correct or not. The Collr. considers that the Tahsr. is ~~also~~ partiall responsible for the loss as he shd. have satisfied himself before sanctioning the loan that the security was adequate.

The Tahsr. also states that the ~~kxxx~~ low bid at the sale ~~held~~ ~~xxxx~~ was partly due to the fact that the sale was held at the taluk office and not on the spot or in the village. From the sale records it is however seen that the previous sales held in th village did not secure any bid~~ders~~ and that the Rev. Inspr. suggested that the sale might be held in the Taluk office by the Tahsr.himself.

A 2-3 4

5. The Collr. recommends that an amount of Rs. 303-2-4 may be written off as irrecoverable and that out of the balance of Rs.250, a sum of Rs.200 may be recovered from the Tahsr. and Rs. 50 from the Revenue Inspr. in 6 equal monthly instalments unless they prefer to pay the amount in a lump sum. It is clear from the above, that the Revenue Inspector ar the Tahsildar are responsible for the loss to Govt. The proposal of the Collector to recover from the officers a portion of the arrears cannot be accepted as Government have recently ordered that in such case it would be preferable to take disciplinary action. I disciplinary action is taken, the amount that has to be written off is Rs.500 under principal and Rs.53-2- under interest. The Board is competent to sanction

this

this write off.

For orders.

KW
24.4.29. JVL
24.4.29

The pay of Mr. S. Babu Rao (200-6-300) was Rs 270 and that of B. J. S. Saguna (35-1½-50-4-60) was Rs 42-8-0 on 1-4-28. If necessary their increments
AR
25/4/29 can be stopped.

WS
25/4/29 The Coll. may be asked to frame regular charges against the Rly. and the Talk. and report the action taken. He may be informed that Govt. have recently held that in such cases disciplinary action is to be preferred to recovery.

The Coll. may also be asked to submit formal proposals for writing off the amount as irrecoverable clearly explaining the steps taken for the recovery of the loan and the fact that there are no more movable or immovable properties of the defaulter which can be proceeded against.

JVL
29/4/29

AAR
27/4/29

WS
29/4/29

AS (Secy)

Draft Submitted

KW
30.4.29

AAR
30/4/29.

JVL
30.4.29

AS (Secy) has seen
WS
30/4/29

-5-

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[Issued vide Regd. No 1957/29-2 dt 30-4-29]

pp. 17-18 of. No 2957 - from the Coll^r. of S. Kanara.

m/3
AS(Cell)

To asst Secy.

para 6 page 18 of. The Coll^r. reports that the borrowers have no other properties moveable or immoveable to be proceeded against for recovery of the arrears. He submits formal proposals for writing off the arrears of Rs 500 under principal and Rs 53-2-10 under interest as irrecoverable. The amount of Rs 500 may be written off the accounts the Board is competent to sanction this write off. No specific sanction is needed to write off the interest now ordered to be

(CRes 15.5.29)
Vide S. Rule 5(4) vt pp 5-6 of. Mysore Bhavi Manual

2/. In para 2 of Board's regd. dt 30-4-29 the Coll^r. was asked to

p 16 of. frame regular charges against the two Talr of the Rev. Insp^r. and report the action taken against them finally. The Coll^r. has not reported on this point. ~~He may be asked to report~~ Apparently he will send the report in due course after framing regular charges and obtaining the explanations of the Officers concerned

The Coll^r. has already been asked to report the action taken finally (Cres 15.5.29)

MB 15.5.29 JCH 15.5.29

AS(Cell)
Draft ruled
Cres 25.5.29

JCH 25.5.29 MB 25.5.29

MB 23.5.29